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VETERINARY SURGEONS ACT 1974

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VETERINARY SURGEONS ACT 1974

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LAWS OF MALAYSIA**Act 147****VETERINARY SURGEONS ACT 1974**

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LAWS OF MALAYSIA**Act 147****VETERINARY SURGEONS ACT 1974**

An Act to make provision for the registration and practice of veterinary surgeons and for national purposes to provide for certain provisions with regard to a period of service in the public services after registration; and to make provision for purposes connected with the aforesaid matters.

[1 June 1975 (except Part VII), P.U. (B) 181/1975]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Veterinary Surgeons Act 1974 and subject to subsection (2) shall come into force on such date as the Minister may by notification in the *Gazette* appoint, such date not being earlier than the date the notification is published in the *Gazette*.

(2) The Minister may appoint a different date for Part VII to come into force, such date not being earlier than the date appointed under subsection (1).

Interpretation

2. In this Act, unless the context otherwise requires—

“annual practising certificate” means the annual practising certificate referred to in section 17;

“Council” means the Malaysian Veterinary Council established under section 3;

“Director General” means the Director General of Veterinary Services, Malaysia;

“member” means a member of the Malaysian Veterinary Council;

“Minister” means the Minister charged with the responsibility for veterinary matters;

“practice of veterinary medicine” means—

- (a) to diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions; including the prescription, administration or application of any drug, medicine, biologics, apparatus, anaesthetic or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for artificial insemination, for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above, or do any other act recognised to be a duty of a veterinary surgeon;
- (b) to represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a) above;

(c) to use any title, words, abbreviation or letters in a manner or under circumstances which is likely to induce the belief that the person using them is a veterinary surgeon;

“President” means the President of the Malaysian Veterinary Council appointed under subparagraph 1 (1) of the First Schedule;

“public services” has the meaning assigned to it by Article 132 of the Federal Constitution and includes the service of any local authority or the service of any statutory authority exercising powers vested in it by federal or state law, and the expression “public service” shall be construed accordingly;

“Register” means the Register of Veterinary Surgeons, Malaysia required to be maintained under section 11;

“registered” means registered under section 12;

“Registrar” means the Registrar of Veterinary Surgeons referred to in section 10;

“veterinary medicine” includes veterinary medicine *per se*, surgery, obstetrics, animal husbandry and all other branches or specialities of veterinary medicine;

“veterinary surgeon” means a person who holds any of the qualifications specified in Parts I and II of the Second Schedule.

PART II

THE MALAYSIAN VETERINARY COUNCIL

Establishment and composition of the Council

3. (1) There is hereby established a body corporate with perpetual succession and a common seal to be called the Malaysian Veterinary Council.

(2) The Minister shall appoint the members of the Council which shall consist of—

- (a) the Director General;
- (b) the Head of the Veterinary Department of Sabah or his nominee, who shall be a veterinary surgeon in the public service;
- (c) the Head of the Veterinary Department of Sarawak or his nominee, who shall be a veterinary surgeon in the public service;
- (d) two members nominated by veterinary surgeons registered in Part I of the Register from among them;
- (e) two members nominated by veterinary surgeons registered in Part II of the Register from among them;
- (f) one veterinary surgeon from among the staff of the Faculty of Veterinary Medicine and Animal Science, Universiti Putra Malaysia, nominated by the Council of the University; and
- (g) two veterinary surgeons who are nominees of the Minister.

(3) No person shall be nominated and appointed to be a member under paragraphs (2)(d) to (g) unless such a person is a citizen and is a registered veterinary surgeon.

(4) No person may at the same time serve as a member in more than one capacity.

(5) A person may be nominated and appointed to be a member under paragraphs (2)(d) to (g) notwithstanding that he has previously been a member under any of the paragraphs of subsection (2).

(6) The members referred to in paragraphs (2)(d) to (g) shall hold office for a period not exceeding three years but shall be eligible for re-appointment if qualified under this Act.

(7) Any person who is a member by virtue of the provisions of any of the paragraphs (2)(d) to (g) may at any time resign his office by letter addressed to the President.

(8) Where any person who is a member by virtue of the provisions of any of the paragraphs (2)(d) to (g) dies before completion of his term of office, or resigns, or otherwise ceases to be a member by reason of any provision of this Act, a person shall be nominated and appointed in his place in accordance with the provisions applying in the case of the person dying or resigning or ceasing to be a member for the residue of the term for which such person might have held office if he had not died or resigned or ceased to be a member:

Provided that on the death or resignation of a member nominated under any of the paragraphs (2)(d) to (g) within twelve months before the date on which his term of office would have come to an end by effluxion of time, the vacancy shall not be filled for the residue of that term.

(9) If any of the bodies of veterinary surgeons referred to in paragraphs (2)(d) to (f) does not within a period of three months from the date on which the office falls vacant, nominate a person to be a member of the Council, the Minister shall appoint in his place as a member a person qualified to be so nominated and any person so appointed shall be deemed to be a member as if he had been duly nominated by such body of veterinary surgeons.

(10) Immediately upon the coming into force of this Act and until such time as the members referred to in paragraphs (2)(d) to (f) are nominated and appointed, the Minister shall appoint in their place respectively such persons as are qualified to be respectively so nominated and appointed and the persons so appointed shall be deemed to be members as if they had been duly nominated and appointed under the said paragraphs (d) to (f).

(11) A veterinary surgeon shall not be qualified to be nominated and appointed to be a member, under the provisions of any of the paragraphs (2)(d) to (g)—

- (a) if he has been found guilty by a court of any offence involving fraud, dishonesty or moral turpitude, or of any offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years; or
- (b) if he is an undischarged bankrupt.

(12) If a member who has been nominated and appointed under the provisions of any of the paragraphs (2)(d) to (g) ceases, by reason of any provision of this Act, to be qualified to be so nominated and appointed, he shall be deemed to have vacated his seat.

Duties and powers of the Council

4. The Council shall perform such duties and functions and exercise such powers as may be provided under this Act or any regulations made thereunder.

Public Authorities Protection

5. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceeding against the Council against any member, officer, servant or agent of the Council in respect of any act, neglect or default done or committed by him in such capacity.

Public servants

6. All members of the Council, while discharging their duties as such members, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

First Schedule

7. (1) The provisions of the First Schedule shall apply to the Council and the proceedings thereof.

(2) The Minister may from time to time, after consulting the Council, amend the First Schedule by order published in the *Gazette*.

Power of the Minister to issue directions

8. The Minister may, from time to time, issue general directions not inconsistent with the provisions of this Act and the Council shall give effect to such directions.

Returns

9. The Council shall furnish the Minister with all such returns and information with respect to its activities as he may from time to time require.

PART III

REGISTRATION OF VETERINARY SURGEONS: PRACTICE OF VETERINARY MEDICINE

Registrar

10. For the purposes of this Act there shall be a Registrar of Veterinary Surgeons to be appointed by the Minister.

Register of Veterinary Surgeons, Malaysia

11. (1) The Registrar shall cause to be kept in the prescribed form a register of veterinary surgeons to be known as the Register of Veterinary Surgeons, Malaysia which shall contain such particulars as may be prescribed.

(2) The Registrar shall be responsible for the maintenance and custody of the Register in accordance with the provisions of this Act and the regulations made thereunder.

(3) The Register shall be kept in two Parts as follows:

(a) Part I which shall be in respect of persons who hold the qualifications specified in the third column of Part I of the Second Schedule granted by the institutions specified in relation to such qualifications in the second column of that Schedule; and

(b) Part II which shall be in respect of persons who hold the qualifications specified in the third column of Part II of the Second Schedule granted by the institutions specified in relation to such qualifications in the second column of that Schedule.

(4) The Register shall be deemed to be a public document within the meaning of the Evidence Act 1950 [*Act 56*].

Persons entitled to be registered as veterinary surgeons

12. (1) A person holding any of the qualifications specified in the third column of Part I of the Second Schedule granted by the institutions specified in relation to such qualifications in the second column of that Schedule shall on application to the Registrar in the prescribed form be entitled to be registered in Part I of the Register and a person holding any of the qualifications specified in the third column of Part II of that Schedule granted by the institutions specified in the second column of that Schedule shall on application to the Registrar in the prescribed form be entitled to be registered in Part II of the Register.

(2) A person who holds any of the qualifications specified in the third column of Part I as well as a qualification specified in the third column of Part II of the Second Schedule shall, on payment of such

additional fee as may be prescribed be entitled to be registered in both Parts of the Register.

(3) The Minister may from time to time, after consulting the Council, add to, delete from or amend Part I and Part II of the Second Schedule, by order published in the *Gazette*.

Temporary permit to practise

13. (1) Notwithstanding anything to the contrary contained in this Act, the Council, with the approval of the Minister may, upon application in writing, issue to a person who is a veterinary surgeon registered anywhere outside Malaysia a temporary permit to practice as a veterinary surgeon subject to such conditions and restrictions as the Council may specify in such permit for a period not exceeding six months.

(2) The holder of such a temporary permit to practise, while the permit remains in force and subject to the restrictions and conditions specified in the permit, shall be deemed to be a registered veterinary surgeon.

(3) The Council may at any time cancel any temporary permit to practise granted under this section and the permit shall thereupon lapse.

(4) For the purpose of subsection (1) a veterinary surgeon includes a person who holds a qualification in veterinary medicine from institutions other than those specified in Parts I and II of the Second Schedule.

Evidence of qualification to be given before entry on the Register

14. (1) No degree or qualification shall be entered in the Register, either on the first registration or by way of addition to a registered name, unless the Registrar be satisfied by such evidence as he may consider proper that the person claiming such degree or qualification is entitled thereto.

(2) Every person registered under this Act who obtains any veterinary qualification other than the qualification by virtue of which he was registered may apply to the Council to amend the Register so far as it relates to the qualifications of that person, and on any such application the Council shall, if satisfied that the applicant is entitled to the qualification in respect of which the application is made and that such qualification is of sufficient standing to warrant its being entered in the Register, cause the Register to be amended accordingly by the insertion therein of the particulars of such qualification.

(3) The Council shall have power to decide what degrees and additional qualifications may be entered in the Register.

Application for registration

15. Applications for registration under this Act shall be in such manner and form and shall be accompanied by such documents, photographs, particulars and fees as the Council may prescribe, and proof of identity satisfactory to the Registrar shall also be furnished.

Restriction of registration

16. (1) If any person applying for registration has—

- (a) at any time been found guilty of an offence involving fraud, dishonesty or moral turpitude or an offence punishable with imprisonment (whether in itself only or in addition to or in lieu of a fine) for a term of two or more years; or
- (b) after due inquiry by the Council, been found by it to have been guilty of infamous conduct in any professional respect or to be otherwise not of good fame and character,

the Council may direct the Registrar not to enter the name of such person upon the Register.

(2) The Registrar shall forthwith give the person concerned notice in writing of such direction by the Council not to enter such person's name upon the Register.

(3) In any inquiry under paragraph (1)(b), the applicant shall be entitled to appear before the Council and be heard personally or by his advocate and solicitor.

Annual practising certificate

17. (1) Any registered veterinary surgeon who desires to practise veterinary medicine after the thirty first day of December of any year shall, not later than the first day of December of that year, make an application in the prescribed form and shall pay the prescribed fee for a certificate to practise veterinary medicine during the ensuing year.

(2) Upon such application and payment, the Council, if satisfied that the premises at, and the conditions under, which the applicant practises or proposes to practise veterinary medicine are suitable for such practice, shall cause the Registrar to issue a certificate (to be styled "annual practising certificate") authorising the applicant to practise veterinary medicine at such premises during the year for which the certificate is issued.

(3) Subject to the provisions of this Act, the annual practising certificate shall be in force until the thirty first day of December of the year in respect of which it is issued.

(4) Any registered veterinary surgeon who fails to apply for an annual practising certificate in the manner and within the period laid down in subsection (1), may, on making an application in such form and on payment of such additional fee as may be prescribed, be granted an annual practising certificate for the ensuing year, if the application is made during the month of December of any year, or for the remainder of the year, if the application is made on or after the first day of January of any year.

(5) Notwithstanding the foregoing provisions of this section, where a registered veterinary surgeon applies for an annual practising

certificate for the first time after obtaining registration, the application shall be in the prescribed form and may be made at any time during the year, and the applicant shall, upon payment of the prescribed fee, be granted an annual practising certificate for the remainder of the year in which the application is made.

(6) An annual practising certificate and an application thereof shall specify the address of the principal place of practice and all other places of practice of the applicant, and any change in any such address shall be notified by the practitioner to the Registrar and an endorsement of such change on the annual practising certificate obtained from the Registrar within thirty days of such change.

(7) Whenever it appears to the satisfaction of the Council that a registered veterinary surgeon is practising veterinary medicine in such premises or under such conditions as are deemed by the Council to be unsuitable for such practice, the Council may direct that the annual practising certificate of such practitioner be cancelled, and such certificate shall thereupon cease to be in force and no further annual practising certificate shall be issued to such practitioner thereafter either for the remainder of the year or for any other year except as provided in subsection (8).

(8) If any veterinary surgeon whose annual practising certificate has been cancelled under subsection (7) makes an application in such manner as may be prescribed and pays such fee as may be prescribed, the Council may, after due consideration of the circumstances of the case, direct that an annual practising certificate be issued to such veterinary surgeon.

(9) A registered veterinary surgeon who practises veterinary medicine and who—

- (a) has not had an annual practising certificate in respect of himself in force;
- (b) is in partnership with a registered veterinary surgeon not having such a certificate;

- (c) has in his employ a registered veterinary surgeon not having such a certificate; or
- (d) is employed to carry on the business of a veterinary surgeon on behalf of a person not having such a certificate,

shall be guilty of an offence against this Act and he shall not be entitled to recover any fee, reward, disbursement or cost incurred during the time when he or any other person as aforesaid has not had an annual practising certificate.

Publication of list of registered veterinary surgeons issued with annual practising certificate

18. (1) The Registrar shall as soon as may be after the first day of January of every year prepare and publish in the *Gazette* a list of the names, addresses, qualifications, dates of the qualifications and dates of registration of all veterinary surgeons to whom annual practising certificates have been issued for that year and such list may be amended at any time during the year.

(2) The publication of such list shall be *prima facie* evidence of the particulars contained therein.

(3) The absence of the name of any person from such list shall be *prima facie* evidence that such person has not been issued with an annual practising certificate and is not authorised to practise as a registered person.

(4) A certificate under the hand of the Registrar of the particulars appearing in the Register in respect of any person shall be conclusive evidence of such particulars.

Notification of change in permanent address of residence or practice

19. Every registered veterinary surgeon shall notify any change in the permanent address of his residence or practice to the Registrar within thirty days of such change.

Power of Council to make certain endorsement against name in the Register

20. Where the Council is satisfied that any person whose name appears in the Register is deceased or is no longer practising veterinary medicine in Malaysia it shall make an endorsement accordingly against his name in the Register.

Cessation of registration of person becoming a mental patient

21. (1) If the Registrar is satisfied that any veterinary surgeon who is registered under this Act is admitted to or confined in a mental hospital under the provisions of any law such veterinary surgeon shall thereupon be deemed to have ceased to be so registered, and an endorsement shall accordingly be made against his name in the Register.

(2) Any veterinary surgeon who has ceased to be registered under this Act by virtue of subsection (1) shall not again be registered unless he satisfies the Council that his mental condition warrants such registration.

Alteration in the Register

22. (1) The Registrar shall, from time to time, insert in the Register—

- (a) any alteration which may come to his knowledge in the name or address of any person registered under this Act;
- (b) such alterations in the qualifications, additional qualifications and other particulars as under this Act are required to be altered.

(2) The Registrar shall, from time to time, remove from the Register the name of such person as under this Act is required to be removed.

Privileges of registered veterinary surgeons and disabilities of unregistered persons

23. (1) Every veterinary surgeon who is registered and holds a valid annual practising certificate shall be entitled, according to his qualifications, to practise veterinary medicine in accordance with the provisions of this Act and to recover in due course of law reasonable charges for professional aid, advice, visit, operation or attendance and the value of any appliances rendered, made or supplied by him to his patients.

(2) Subject to the provisions of section 13, no person shall be entitled to recover in any court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered veterinary surgeon and had an annual practising certificate in force.

Veterinary certificate

24. No certificate or other document required by any written law or otherwise to be signed by a duly qualified veterinary surgeon given after the commencement of this Act shall be valid unless signed by a registered veterinary surgeon.

Definition

25. The words “legally qualified veterinary surgeon” or “duly qualified veterinary surgeon” or any words importing a person recognised by law as a qualified veterinary surgeon, when used in any written law with reference to such person, shall be construed to mean a registered veterinary surgeon.

Exhibition of certificate of registration and annual practising certificate

26. (1) Every registered veterinary surgeon shall cause to be exhibited in a conspicuous place in any premises in which he

practises veterinary medicine, otherwise than as an officer in the public services, the current annual practising certificate issued to him.

(2) Where a registered veterinary surgeon carries on the practice of veterinary medicine as aforesaid at two or more addresses, he shall cause his original current annual practising certificate to be displayed as aforesaid in the premises at his principal place of practice and a certified copy of each of the said certificates in the premises at every other place of practice, such certified copies having been obtained by him for that purpose from the Registrar upon application in writing to the Registrar in the prescribed manner and payment of the prescribed fee therefor.

(3) Where a registered veterinary surgeon contravenes or fails to comply with the provisions of subsection (1) or (2) he shall be guilty of an offence against this Act.

(4) Any person who displays, or permits to be displayed in any premises an annual practising certificate or a certified copy thereof bearing his name at any time when his name does not appear on the Register or he does not hold a valid annual practising certificate, as the case may be, shall be guilty of an offence against this Act.

Practitioner operating practice to furnish particulars of the persons practising veterinary medicine at every place of practice

27. A registered veterinary surgeon operating the practice of veterinary medicine shall furnish to the Registrar the name, address, qualifications and particulars of the certificate of registration and of the current annual practising certificate and such other information as may be prescribed in respect of the persons practising veterinary medicine at his place of practice, and if he fails to do so he shall be guilty of an offence against this Act.

Inspection of premises used for the practice of veterinary medicine

28. (1) It shall be lawful for—

- (a) the Director General;
- (b) the officer responsible for the administration of the Veterinary Services in any State; or
- (c) such other authority as the Minister may approve for the purpose of this section,

to appoint inspectors for the purpose of this Act and to give such inspectors authority, in writing—

- (i) to enter and inspect at any time any premises which are used or proposed to be used or in respect of which there is reasonable cause to believe that they are being used for the practice of veterinary medicine; and
- (ii) to inquire into and to report to the person or authority by whom they were appointed on the conditions under which veterinary medicine is being or is proposed to be practised.

(2) An inspector so appointed shall, in the course of entering or inspecting any premises show the written authority given under subsection (1).

(3) The reports made by an inspector under subsection (1) shall be in the prescribed form and it shall be the duty of the respective authority who appointed the inspector to submit such reports to the Council not later than fourteen days after the date of the inspection.

PART IV

DISCIPLINARY PROCEEDINGS

Disciplinary jurisdiction of the Council

29. (1) The Council shall have disciplinary jurisdiction over all veterinary surgeons registered under this Act.

(2) The Council may exercise disciplinary jurisdiction over any registered veterinary surgeon—

- (a) who has been convicted in Malaysia or elsewhere of any offence punishable with imprisonment (whether in itself only or in addition to or in lieu of a fine);
- (b) who has been guilty of infamous conduct in any professional respect;
- (c) who has obtained registration by fraud or misrepresentation;
- (d) who was not at the time of his registration entitled to be registered; or
- (e) whose name has since been removed from any register of veterinary surgeon maintained in any place outside Malaysia.

Disciplinary punishments

30. (1) The Council may, in the exercise of its disciplinary jurisdiction, impose any of the following punishments:

- (a) order the name of such registered veterinary surgeon to be removed from the Register;
- (b) order the name of such registered veterinary surgeon to be suspended from the Register for such period as it may think fit;
- (c) order the registered veterinary surgeon to be reprimanded; or
- (d) make any such order as aforesaid but suspend the application thereof, subject to such conditions as the Council may think fit, for a period, or periods in the aggregate, not exceeding two years,

and may in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Registrar and of any complainant or of the registered veterinary surgeon, and any costs awarded may be recovered as a civil debt.

(2) Where the name of any registered veterinary surgeon is ordered by the Council to be struck off or suspended from the Register, he shall within five days of the making of such order surrender to the Registrar his current annual practising certificate including any recent annual practising certificate which he may have obtained from the Registrar and his certificate of registration:

Provided that where such veterinary surgeon or his advocate and solicitor were not present before the Council at the time of the pronouncement of such order, the Registrar shall give notice to such veterinary surgeon, in writing, of the order made by the Council and require in such notice that such veterinary surgeon shall surrender to him his certificate of registration and his current annual practising certificate including any recent annual practising certificate which he may have obtained from the Registrar within seven days of the delivery of such notice at his registered address, or at his last known address if that address differs from his registered address and it appears to the Registrar that such service will be more effective.

(3) Where such registered veterinary surgeon fails to surrender his current annual practising certificate including any recent annual practising certificate which he may have obtained from the Registrar and his certificate of registration within the time provided in subsection (2), he shall be guilty of an offence against this Act.

(4) The Registrar shall publish in the *Gazette* the name of the person removed from the Register or suspended from practice under the provisions of this section either—

- (a) on the expiry of the period of one month laid down in section 31, if that person does not enter an appeal against the decision of the Council; or

- (b) immediately after the decision of the High Court upholding the decision of the Council if that person enters an appeal against the decision of the Council,

as the case may be.

(5) No person whose name has been removed from the Register under the provisions of this section shall thereafter be entitled to apply to be registered under the provisions of this Act, but the Council may, if it thinks fit in any case to do so, on the application of the person concerned, order that the name of such person be restored to the Register; and where the name of a person has been suspended from the Register for a limited period only, such person shall be entitled at the expiration of such period, but not earlier, to apply for the certificate of registration and the annual practising certificate (if the period for which it is issued is still unexpired) to be returned to him.

(6) An application under subsection (5) shall be made in such manner or form and accompanied by such documents, photographs, particulars and fees as may be prescribed.

Appeal against order or decision of the Council

31. (1) Any veterinary surgeon who is aggrieved by any order made in respect of him by the Council in the exercise of its disciplinary jurisdiction or by any decision of the Council in proceedings relating to him under subsection 16(1) or subsection 30(1) or by the removal of his name from the Register under any of the provisions of this Act other than Part VII or by any refusal or failure of the Council to register or re-enter his name in the Register (except where such removal, refusal or failure is in consequence of such person's failure to obtain a practising certificate or the cancellation of such certificate) may appeal to the High Court, and the High Court may thereupon affirm, reverse or vary the order or decision appealed against or may give such direction in the matter as it thinks proper; the costs of the appeal shall be in the discretion of the High Court.

(2) The decision of the High Court upon such appeal shall be final.

(3) The procedure in relation to any such appeal shall be subject to the rules of court applicable in the High Court:

Provided that the High Court shall not have power to hear any appeal against an order made under section 30 unless notice of such appeal is given within one month from the date of the making of the order or where the proviso to subsection 30(2) is applicable within one month of the service of the order as described in that proviso.

(4) Any person aggrieved by the refusal of the Council to issue to such person an annual practising certificate or by the cancellation of his annual practising certificate may appeal to the Minister whose decision shall be final, and no action or proceeding shall be maintainable in any court of law in respect of such refusal or cancellation.

PART V

GENERAL

Fraudulent registration

32. Every person who fraudulently procures or attempts to procure himself or any other person to be registered by making or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence against this Act.

Offences

33. (1) Any person not registered or exempted from registration under this Act who—

- (a) wilfully and falsely pretends to be registered under this Act or to be qualified to practise veterinary medicine;
- (b) wilfully and falsely takes or uses the name or title of veterinarian, veterinary practitioner, veterinary surgeon,

doctor of veterinary medicine, bachelor of veterinary science or bachelor of veterinary surgery;

- (c) wilfully and falsely takes or uses any name, title, addition or description implying that he is registered under this Act, or that he is recognised by law as a veterinary surgeon or that he is qualified to heal or treat animal diseases whether by veterinary medicine or any other means of any kind or description whatsoever;
- (d) wilfully and falsely takes or uses any name, title, addition or description, or uses any instrument, calculated to induce any person to believe that he is qualified to practise veterinary medicine;
- (e) practises veterinary medicine;
- (f) uses the term “veterinary clinic” or “veterinary dispensary” or “veterinary hospital” or the equivalent of any of these terms in any other language in the signboard over his place of practice in purported practice of veterinary medicine as a person registered under this Act; or
- (g) uses a symbol designed by the Council for the use of registered veterinary surgeons only,

shall be guilty of an offence against this Act.

(2) For the purposes of subsection (1)—

- (a) the taking or using by any person of the term “veterinarian” or “veterinary practitioner” or “veterinary surgeon” or “doctor of veterinary medicine” or “bachelor of veterinary science” or “bachelor of veterinary surgery” or “veterinary clinic” or “veterinary dispensary” or “veterinary hospital” or the equivalent of any of these terms in any other language in relation to the practice of veterinary medicine shall be deemed, unless the contrary be proved, to be the taking or using of a name, title,

addition or description calculated to induce any person to believe that he is qualified to practise veterinary medicine;

- (b) the using by any person in the practice of veterinary medicine of any instrument or material used exclusively by persons qualified to practise veterinary medicine shall be deemed, unless the contrary be proved, to be the using of an instrument calculated to induce a person to believe that he is qualified to practise veterinary medicine; and
- (c) where any person, other than a registered veterinary surgeon or a dealer in veterinary appliances and instruments, has in his possession any one or more of the instruments and applicances commonly used in the practice of veterinary medicine, he shall be deemed, unless the contrary be proved, to wilfully and falsely pretend to be registered under this Act and to be qualified to practise veterinary medicine.

Covering

34. (1) Any registered veterinary surgeon who allows an unregistered person to practise veterinary medicine on the premises used by or under the control of such registered veterinary surgeon in the performance of his professional duties shall be guilty of an offence against this Act.

(2) Any registered veterinary surgeon who by his presence, countenance, advice, assistance, or co-operation has knowingly enabled an unregistered person, whether described as an assistant or otherwise, to practise veterinary medicine, shall be guilty of an offence against this Act.

(3) Any registered veterinary surgeon who practises veterinary medicine in the premises in which an unregistered person practices veterinary medicine to the knowledge of the registered veterinary surgeon shall be guilty of an offence against this Act.

(4) Nothing in this section shall operate to prevent the carrying out of procedures, falling within the meaning of practice of veterinary medicine, by any person in the public service employed for that purpose where such procedures are carried out in the course of that person's employment and under the supervision of a veterinary surgeon in the public service.

Offence for registered veterinary surgeons to falsely describe vocation

35. Any registered veterinary surgeon who wilfully or falsely pretends to be or takes or uses any name, title or description implying in itself or in the circumstances in which it is used that such registered veterinary surgeon possesses or holds any qualification to practise other than that which he actually possesses or holds shall be guilty of an offence against this Act.

Prosecutions

36. (1) A prosecution for an offence against this Act may be instituted by—

- (a) the President or an officer appointed by him or by the Council in that behalf in writing;
- (b) the officer responsible for the administration of the veterinary services in a State or an officer appointed by him in that behalf in writing; or
- (c) the authority referred to in paragraph 28(1)(c) or an officer nominated by such authority in that behalf in writing.

(2) In the case of an offence against section 33, any police officer may arrest without warrant any person who, not being a registered veterinary surgeon, is practising or is believed to be practising veterinary medicine in any street or public place.

Exemptions

37. Nothing in this Act shall operate to prevent—

- (a) the training of veterinary students in the practice of veterinary medicine under the supervision of a registered veterinary surgeon in a veterinary hospital, veterinary clinic, or veterinary school approved for the purpose by the Minister;
- (b) the owner of an animal and the owner's fulltime regular employee from caring for or treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing this Act;
- (c) any person engaged in *bona fide* scientific research which reasonably requires experimentation involving animals from carrying on acts which otherwise are prohibited or restricted by this Act or any regulations made thereunder;
- (d) an employee of the government from performing his official duties;
- (e) a person from advising with respect to or performing acts which the Council has prescribed as accepted livestock management practice;
- (f) any person approved by Council from performing artificial insemination.

General penalty

38. (1) Any person guilty of an offence against this Act shall be liable on conviction—

- (a) in respect of a first offence to a fine not exceeding one thousand ringgit; and

- (b) in respect of the second or subsequent offences to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) In the case of a continuing offence such person shall be liable to a further penalty of fifty ringgit for each day during the continuance of such offence in addition to the respective penalty under paragraphs (1)(a) and (b).

PART VI

REGULATIONS

Regulations

39. (1) Subject to the provisions of this Act, the Council may, with the approval of the Minister, make regulations to prescribe anything which under this Act is required to be prescribed, and generally to carry out the objects and purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may prescribe—

- (a) the duties of the Registrar;
- (b) the form of the Register, the mode in which it shall be kept and the contents thereof;
- (c) the fees to be paid in respect of applications and proceedings under this Act and in respect of certificates and other documents issued under this Act and provide for such exemptions therefrom as the Council may deem appropriate;
- (d) the form and manner in which applications for registration and for annual practising certificates shall be made;
- (e) the form of any certificate or any other document required for carrying out the purposes of this Act;

- (f) the manner of proof of qualifications in veterinary medicine;
- (g) the management of the property of the Council and the audit of its accounts;
- (h) the appointment of and the duties to be performed by the Secretary;
- (i) the issue of veterinary certificates of illness or soundness;
- (j) the securing of legal advice by the Council, the provision of legal advisers therefor, the qualifications and functions of such legal advisers and the remuneration to be paid to them;
- (k) the receipt of complaints or information touching any disciplinary matter that may be inquired into by the Council and the establishment of a Committee to be known as the Preliminary Investigation Committee to make a preliminary investigation into complaints or information touching any disciplinary matter that may be inquired into by the Council and to determine whether or not there shall be an inquiry by the Council;
- (l) the prohibition of a member of such Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council whilst it is inquiring into a complaint or information, in the preliminary investigation of which he took part; and
- (m) the procedure to be followed in relation to—
 - (i) the submission of complaints and information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;

- (iii) the formulation of charges arising out of complaints and information;
- (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints and information;
- (v) disciplinary inquiries held by the Council.

Repeal

40. (1) Section 29 of the Animals Act 1953 (Revised 2006) [*Act 647*] is hereby repealed and all licences issued thereunder shall, after one month of the coming into force of this Act, be deemed to be withdrawn and shall be void.

(2) Such persons may apply to be registered under this Act if he is qualified to do so under this Act.

PART VII**SUPPLEMENTARY PROVISIONS FOR NATIONAL PURPOSES****Purposes and duration of this Part**

41. (1) It is hereby declared that this Part is enacted for national purposes.

(2) This Part shall remain in force for a period of five years from the date of coming into force of this Part.

Notice to registered person to serve as a veterinary officer in the public services

42. (1) Every person who obtains registration under section 12 shall be liable immediately upon being so registered or at any time thereafter to be served with a written notice issued by or on behalf of

the Director General requiring such person to assume an appointment appropriate to his qualification in the public service and on such date, as may, in each of these respects, be specified in the notice.

(2) A person served with a notice under subsection (1) shall comply with such notice and if he fails to do so he shall be guilty of an offence against this Act.

(3) Immediately upon a charge under subsection (2) or section 43 being proved in court against any person, the registration of such person under section 12 shall be deemed to be revoked, and the Registrar shall remove from the Register the name of such person.

(4) Where the name of a person is removed from the Register under subsection (3), it shall not be restored on the Register except upon a direction by the Minister, and the Minister may give such direction upon an application in writing being made to him by the person whose name has been removed from the Register, and any direction so given may be made subject to the fulfilment of such terms and conditions as the Minister may deem fit to impose, and such terms and conditions may include terms and conditions requiring such person to serve as a veterinary officer to the satisfaction of the Director General for a continuous total period of not less than two years in such post or posts in such one or more of the public services as may from time to time be determined by the Director General in his discretion; while such person is fulfilling the terms and conditions imposed under this subsection he shall be deemed to be registered as far as is necessary to fulfil the terms and conditions imposed under this subsection and for such other purposes as the Minister may direct, but not further; and upon fulfillment of the terms and conditions imposed under this subsection he shall be entitled to a certificate issued by the Director General as evidence thereof.

(5) The decision of the Minister upon an application made to him under subsection (4) for the restoration of a name upon the Register shall be final and shall not be questioned or reviewed in any court whatsoever.

(6) Where a notice under subsection (1) has been served on any person liable to be served therewith, the Director General may at any time cancel the notice and, if he thinks fit, cause to be served on him a further notice under subsection (1).

Period of service in pursuance of a notice under subsection 42(1)

43. A person who commences to serve in a post in a public service in pursuance of a notice issued under subsection 42(1), shall continue to serve in the said post or in such other subsequent post or posts in the same or such other public service as may from time to time be determined by the Director General in his discretion for a continuous total period of not less than two years to the satisfaction of the Director General; and any person who without reasonable cause fails to complete such period shall be guilty of an offence against this Act.

Power of Minister to grant reduction, exemption or postponement from period of service under section 43

44. (1) The Minister may, by order published in the *Gazette*—

- (a) in respect of any particular person;
- (b) generally in respect of any class of persons during such period as he may specify;
- (c) generally in respect of all persons during such period as he may specify,

grant such reduction as he may consider appropriate or complete exemption from the period of service required under section 43.

(2) The Minister may, upon application being made to him in writing by any person liable to undergo the period of service required under section 43, grant to such person postponement from commencing such service for such period as he may consider appropriate if he is satisfied that it would be just and reasonable to do so.

(3) The decision of the Minister upon an application made to him under subsection (2) shall be final and shall not be questioned or reviewed in any court whatsoever.

Minister may make rules

45. The Minister may make rules for carrying into effect the objects and purposes of this Part.

FIRST SCHEDULE

[Section 7]

President of the Council

1. (1) The Director General shall be the President of the Council.

(2) The President, if present, shall be the Chairman at meetings of the Council:

Provided that if the President shall be absent from any meeting of the Council the members present at such meeting shall elect one of themselves to act as chairman at that meeting.

Meetings of the Council

2. (1) The Council shall meet at such time and such places as the President may appoint, provided that there shall be held at least two meetings in a year.

(2) Where not less than five members submit to the President a written request to convene a meeting of the Council, the President shall convene such meeting within one month of the receipt of such request.

(3) The quorum for a meeting of the Council shall be six and the decision of the Council shall be a simple majority of the members present and voting.

(4) The Chairman at any meeting shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote.

(5) When any vacancy occurs amongst the members, the Council shall, as soon as practicable, take the necessary action to fill such vacancy.

(6) There shall be paid to such members of the Council as are not public officers such fees for attendance at meetings of the Council or of any committee appointed by the Council and such reasonable travelling expenses and subsistence allowances for such attendance and for journeys undertaken in the discharge of their duties under this Act as may from time to time be approved by the Minister.

(7) Subject to provisions of this Act, the Council may make standing orders regulating its own procedure generally, and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Committees of the Council

3. (1) The Council may from time to time constitute out of its membership one or more committees, as it thinks fit, and may delegate to them such of the Council's functions as the Council thinks fit.

(2) The quorum of any such committee shall be three, unless otherwise determined by the Council.

Secretary of the Council

4. The President may appoint an officer of the Ministry charged with the responsibility for veterinary matters to be the Secretary of the Council.

Office of the Council

5. The office of the Council shall be in the Federal Capital of Kuala Lumpur at such place as the Director General may appoint.

SECOND SCHEDULE

[Section 11]

PART I

Country in which qualification is granted	Institution granting qualification	Description of qualification
Australia	University of Melbourne	Bachelor of Veterinary Science
	University of Queensland	Bachelor of Veterinary Science
	University of Sydney	Bachelor of Veterinary Science
	Murdoch University	Bachelor of Veterinary Medicine and Surgery
Canada	Ontario Veterinary College, University of Guelph	Doctor of Veterinary Medicine
	Western College of Veterinary Medicine, University of Saskatchewan	Doctor of Veterinary Medicine
Indonesia	Fakultas Kedokteran Hewan dan Peternakan, Bogor, Universitas Indonesia	Doktor Hewan
	Institut Pertanian, Bogor	Doktor Haiwan
	Universiti Gadjah Mada, Jogjakarta	Doktor Haiwan
	Universitas Airlangga	Doctor of Veterinary Medicine (Recognised on 23.12.2011)
New Zealand	Massey University	Bachelor of Veterinary Science
United Kingdom	Royal College of Veterinary Surgeons	Membership

Country in which qualification is granted	Institution granting qualification	Description of qualification
	University of Bristol	Bachelor of Veterinary Science
	University of Cambridge	Bachelor of Veterinary Medicine
	University of Edinburgh	Bachelor of Veterinary Medicine and Surgery
	University of Glasgow	Bachelor of Veterinary Medicine and Surgery
	University of Liverpool	Bachelor of Veterinary Science
	University of London	Bachelor of Veterinary Medicine
United States of America	Colorado State University	Doctor of Veterinary Medicine (Recognised on 15.4.2013)
Malaysia	Universiti Pertanian Malaysia/Universiti Putra Malaysia	Doctor of Veterinary Medicine
	Universiti Malaysia Kelantan	Doctor of Veterinary Medicine (Recognised on 28.2.2014)

PART II

Country in which qualification is granted	Institution granting qualification	Description of qualification
Bangladesh	Bangladesh Agricultural University	Doctor of Veterinary Medicine
Ceylon	University of Ceylon (Sri Lanka)	Bachelor of Veterinary Science

Country in which qualification is granted	Institution granting qualification	Description of qualification
India	Bengal Veterinary College	Graduate of Veterinary Science
	University of Calcutta	Bachelor of Veterinary Science
	Bidhan Chandra Krishi Visma Vidyalaya (Bengal Veterinary College)	Bachelor of Veterinary Science and Animal Husbandry
	Bihar Veterinary College, Magadh University	Bachelor of Veterinary Science and Animal Husbandry
	Rajendra Agricultural University, Bihar (Bihar Veterinary College)	Bachelor of Veterinary Science and Animal Husbandry
	Bombay Veterinary College	Graduate of the Bombay Veterinary College
	Bombay Veterinary College (Mahatma Phule Krishi Vidyapeeth Agricultural University)	Bachelor of Veterinary Science and Animal Husbandry
	Bombay Veterinary College (Konkan Krishi Vidyapeeth, Dapoli)	Bachelor of Veterinary Science and Animal Husbandry
	University of Bombay	Bachelor of Veterinary Science
	Orissa College of Veterinary Science and Animal Husbandry, Utkal University	Bachelor of Veterinary Science and Animal Husbandry
	Utkal University, Orissa State	Bachelor of Veterinary Science
University of Agra	Bachelor of Veterinary Science	

Country in which qualification is granted	Institution granting qualification	Description of qualification
	Andhra Pradesh Agricultural University, Hyderabad	Bachelor of Veterinary Science
	University of Mysore	Bachelor of Veterinary Science
	University of Agricultural Sciences, Mysore	Bachelor of Veterinary Science
	Kerala Veterinary College and Research Institute	Bachelor of Veterinary Science
	Kerala Agricultural University, Mannuthy	Bachelor of Veterinary Science
	Uttar Pradesh Agricultural University, Pantnagar	Bachelor of Veterinary Science
	Govind Ballabh Pant University of Agriculture and Technology Pantnagar	Bachelor of Veterinary Science and Animal Husbandry
	University of Udaipur, Rajasthan	Bachelor of Veterinary Science
	Madras Veterinary College	Graduate of the Madras Veterinary College
	University of Madras	Bachelor of Veterinary Science
	Tamil Nadu Agricultural University (Madras Veterinary College)	Bachelor of Veterinary Science
	University of Agricultural Science, Bangalore	Bachelor of Veterinary Science
	Jawaharlal Nehru Krishi Vishwa Vidyalaya Jabalpur	Bachelor of Veterinary Science and Animal Husbandry

Country in which qualification is granted	Institution granting qualification	Description of qualification
	Assam Agricultural University	Bachelor of Veterinary Science and Animal Husbandry
Pakistan	Eastern Pakistan Veterinary College, University of Decca	Licentiate in Veterinary Science
	Eastern Pakistan Veterinary College, University of Decca	Diploma of Veterinary Medicine and Surgery
	East Pakistan Agricultural University, Mymensingh	Licentiate in Veterinary Science (L.V.S.)
	East Pakistan Agricultural University, Mymensingh	Bachelor of Science (Veterinary Science and Animal Husbandry)
	East Pakistan Agricultural University, Mymensingh	Diploma of Veterinary Medicine and Surgery
	East Pakistan College of Veterinary Science and Animal Husbandry	Doctor of Veterinary Medicine
	Punjab Veterinary College	Licensed Veterinary Practitioner, Punjab
	College of Animal Husbandry, Lahore, University of the Punjab	Bachelor of Veterinary Science and Bachelor of Science (Animal Husbandry)
	College of Animal Husbandry, Lahore University of Agriculture, Lyallpur	Doctor of Veterinary Medicine
	University of Agriculture Lyallpur	Doctor of Veterinary Medicine

Country in which qualification is granted	Institution granting qualification	Description of qualification
	West Pakistan Agricultural University, Lyallpur	Doctor of Veterinary Medicine
Taiwan	National Taiwan University	Bachelor of Veterinary Medicine (Recognised on 23.12.2011)
	National Chung Hsing University	Bachelor of Veterinary Medicine (Recognised on 23.12.2011)

LAWS OF MALAYSIA**Act 147****VETERINARY SURGEONS ACT 1974**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 284/1976	Veterinary Surgeons (Amendment of Second Schedule) Order 1976	01-07-1975
P.U. (A) 229/1978	Veterinary Surgeons (Amendment of Second Schedule) Order 1978	02-05-1978
P.U. (A) 199/1980	Veterinary Surgeons (Amendment of Second Schedule) Order 1980	02-05-1980
P.U. (A) 416/2011	Veterinary Surgeons (Amendment of Second Schedule) Order 2011	23-12-2011
P.U. (A) 172/2013	Veterinary Surgeons (Amendment of Second Schedule) Order 2013	04-06-2013
P.U. (A) 135/2014	Veterinary Surgeons (Amendment of Second Schedule) Order 2014	23-05-2014

LAWS OF MALAYSIA**Act 147****VETERINARY SURGEONS ACT 1974**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Second Schedule	P.U. (A) 284/1976	01-07-1975
	P.U. (A) 229/1978	02-05-1978
	P.U. (A) 199/1980	02-05-1980
	P.U. (A) 416/2011	23-12-2011
	P.U. (A) 172/2013	04-06-2013
	P.U. (A) 135/2014	23-05-2014
